JESUS B. LAVA, PETITIONER, VS. HONS. JOSE LOPEZ VITO, RUFINO LUNA AND JOSE ABREU, ACTING AS A BODY KNOWN AS THE “COMMISSION ON ELECTIONS,” RESPONDENTS.

G.R. No. 48662. November 06, 1941

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

The petitioner seeks to compel the respondents, as members of the Commission on Elections, to include his name, or cause the same to be included, as candidate for Representative for the First District of the Province of Bulacan, in the tickets of the Popular Front Party (Abad Santos), the Popular Front Party (Sumulong), and the Ganap Party, to be printed on the official ballot and in the general list of registered candidates for the election to be held on November 11, 1941.

Commonwealth Act No. 666 provides that the next election for President and Vice President of the Philippines, Senators and Members of the House of Representatives shall be held on November 11, 1941, in accordance with the provisions of that Act and of the Election Code in so far as the latter provisions may be applicable and are not in conflict with the former; that the certificates of candidacy for said election shall be signed and sworn to by the candidates themselves, and shall be filed with the Commission on Elections at least seventy-five days before the election (save that the certificate of a candidate to an office the election to which depends on the direct vote of the whole electorate of the nation may be filed by the political party which nominated him, and such certificate need not be signed or sworn to by the candidate himself); and that a political party which has officially nominated candidates shall file with the Commission on Elections a certificate of such official nominations subscribed under oath by the President and Secretary of the party. Section 27 of the Election Code provides, among other things, that the candidate shall state in his certificate of candidacy the name of the political party to which he belongs, if he belongs to any party.

The petitioner, Dr. Jesus B. Lava, has filed with the Commission on Elections three different certificates of candidacy in one of which he states that he belongs to the Popular Front Party (Abad Santos), in another that he belongs to the Popular Front Party (Sumulong), and in the third that he belongs to the Ganap Party. On the other hand, each of the three parties named filed with the Commission on Elections a certificate stating that the petitioner was officially nominated as its candidate for Representative for the First District of the Province of Bulacan. Confronted with this situation, the Commission required the petitioner to state specifically the party to which he belongs, with the warning that, upon his failure to do so, the Commission would be constrained to discard his name from the tickets of the three parties above-named. The petitioner refused to comply with such requirement, and he, in turn, requested the Commission to have his name printed "in all the ballots and all other matter where the list of accredited candidates of the Popular Front (Sumulong), Popular Front (Abad Santos) and the Ganap will be caused by this Commission to be printed." Up to the date of the filing of the present petition the Commission had not definitely acted upon the request of the petitioner. Subsequently, however, the Commission entered an order stating that, in view of the petitioner's refusal to state specifically the party to which he belongs,

his name cannot be printed in any "ticket or list of candidates of the Popular Front Party (Sumulong), Popular Front Party (Abad Santos) and Ganap Party." The Commission, however, ordered that petitioner's name "be printed in the general list of registered candidates not under any ticket of a political party and shall be voted for by individual voting." The order oi the Commission reads, in part, as follows:

> "This Commission has likewise observed from the records of this case the significant fact that in the declaration of affiliation with the Ganap Party signed by Dr. Lava, it is expressly stated therein among others that 'henceforth I disown affiliation with any party and will obey and support no party other than the Ganap.' Again, under the rules of the Popular Front Party (Abad Santos) it is expressly provided that 'no candidate under the banner of the Popular Front shall be allowed to utilize in the campaigns for his candidacy the name of any political party other than that of the Popular Front (Abad Santos) * * *' On the other hand, in connection with the controversy of who is the real head of the original Popular Front, this Commission found as a fact that the present Popular Front Parties of Sumulong and Abad Santos pursue and sustain political theories diametrically opposed to each other.
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> "Under the foregoing circumstances, this Commission took the view that Dr. Lava cannot consistently claim that he belongs to the three parties aforestated for it is inconceivable that a person can hold out himself to the electorate as official candidate of parties with opposing ideologies and whose very rules forbid members thereof from affiliating with or running for office under the banner of another party. Hence, the said letter of this Commission of September 13, 1941, asking him to choose definitely one of the three parties which Dr. Lava declined.
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> "The request of Dr. Lava if granted would result in the mixing or hybridization of party tickets or lists of candidates of two or more political parties sustaining different political theories and ideas, with different sets of candidates. For while it is true that the three aforementioned parties can be regarded as opposition parties, it is nevertheless also true, as stated above, that each one has a distinct and independent existence, with political, social and economic objectives of its own which each one aims to accomplish thru the election of its candidates. * * *."

This petition, in effect, challenges the validity of the order of the Commission.

1. The first question raised by the respondents' answer is the standing of the petitioner in this court. It is alleged in the answer "that the right to have the name of a candidate printed on the official ballot under a designated party ticket is a right accorded by law not to the candidate but to the party that meets all the conditions prescribed in the law, and therefore the petitioner herein has no legal right to demand of the respondents the inclusion of his name in the official ballot and list of registered candidates under any or all of the parties that nominated him."

We believe that the respondents' contention must be sustained. The right to have the name of a candidate included in a party ticket is granted by law not to the candidate, but to the party concerned. This is manifest from the provisions of sections 2 and 3 of Commonwealth Act No. 666. Section 2 provides that a political party which has "officially nominated candidates" shall file with the Commission on Elections a certificate of such official nominations subscribed under oath by the President and Secretary of the party; and section 3 provides that the ballots to be used in the elections shall be uniform throughout the Philippines, and "prepared in such manner that the voter may vote for a straight party ticket or for individual candidates and for this purpose, the tickets of the regularly organized political parties that participated in the last preceding election for national officials, as certified under oath by the national directorates of the respective parties, shall be printed on the ballot, and there shall also be one column containing blank spaces for the names of candidates for all elective positions to be filled in said election, which spaces are to be filled by the voter who does not desire to vote a straight ticket." The right springs not from any act of the candi- date but from the acts of the party in nominating him and including his name in the ticket certified to the Commission by the national directorate of the party. If a candidate was not

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"officially nominated" by any political party, he cannot claim the right to be included in a party ticket. It is true that a candidate might derive some benefit from the fact that his name is included in a party ticket, but such benefit would be purely incidental. In this respect, the interest of the political party is paramount to that of the candidate.

We, therefore, hold that for the purposes of Commonwealth Act No. 666 the real party in interest in the matter of the inclusion of a candidate in a party ticket is the political party concerned. This view is in harmony with the modern trend of simplifying the rules of practice and procedure in the courts, because it will avoid multiplicity of suits. If it be held that the individual candidate is the real party in interest, the result would be that in a case where ten candidates, for instance, are excluded by the Commission on Elections from the ticket of a political party, then separate suits would have to be brought to test the legality of the action of the Commission. Such a result should be avoided. Petitioner's contention that the political parties concerned could not have instituted the proceedings in this case, inasmuch as they were not informed by the Commission on Elections of the exclusion of the petitioner's name from their tickets, deserves no serious consideration. Petitioner himself could have given the necessary information to enable such political parties to move in the matter. The case of Severino vs. Governor-General (16 Phil., 366), is inapposite. The action in that case was instituted to compel the Governor-General to call a special election for the purpose of electing a municipal president in the town of Silay, Province of Occidental Negros. The court recognized the right of the petitioner to bring the action in that case, on the ground that he was seeking to enforce a right which belonged equally to the qualified electors of the town of Silay—that of participating in the election of the president of that town. In the instant case, the legal situation is different. As we have already stated, the right to have the name of a candidate included in a party ticket is granted by law not to the candidate, but to the party concerned.

2. Even if we laid to one side the question of the standing of petitioner to bring this suit, we find no sufficient ground to grant the relief sought by him. We are of the view that the order of the Commission is not contrary to law. The Commission on Elections has been established as an independent body by constitutional mandate, for the purpose of insuring free, orderly and honest elections. (Constitution, Art. X, sec. 1.) Section 2 of the Constitution, provides among other things that:

> "The Commission on Elections shall have exclusive charge of the enforcement and administration of all laws relative to the conduct of elections and shall exercise all other functions which may be conferred upon it by law. It shall decide, save those involving the right to vote, all administrative questions, affecting elections, including the determination of the number and location of polling places, and the appointment of election inspectors and of other election officials."

It will be observed that the Constitution has entrusted to the Commission on Elections the enforcement and administration of all laws relative to the conduct of elections. In Sumulong vs. The Commission on Elections (G. R. No. 48609, promulgated October 10, 1941), this court said:

> "The Commission on Elections is a constitutional body. It is intended to play a distinct and important part in our scheme of government. In the discharge of its functions, it should not be hampered with restrictions that would be fully warranted in the case of a less responsible organization. The Commission may err, so may this court also. It should be allowed considerable latitude in devising means and methods that will insure the accomplishment of the great objective for which it was created—free, orderly and honest elections. We may not agree fully with its choice of means, but unless these are clearly illegal or constitute gross abuse of discretion, this court should not interfere. Politics is a practical matter, and political questions must be dealt with realistically—not from1 the standpoint of pure theory. The Commission on Elections, because of its fact-finding facilities, its contacts with political strategists, and its knowledge derived from actual experience in dealing with political controversies, is in a peculiarly advantageous position to decide complex political questions."

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In the instant case, we believe that the Commission on Elections was justified in requiring the petitioner to state specifically the party to which he belongs, in view of the express provision of section 27 of the Election Code that the candidate shall state in his certificate of candidacy the name of the political party to which he belongs, if he belongs to any party. The law assumes that a person can belong to only one party. It does not have in contemplation a person belonging to three different parties. It would seem that this is because the person who could conscientiously belong to two or more parties at one and the same time is a phenomenon which finds no recognition either in the social or political consciousness of the people, and for that reason he is not accorded any particular status in our legislation. It should be clearly understood that we are not speaking here of one who belongs to a political party but who, nevertheless, has the support of other parties. That is not the case with the petitioner who claims to belong to three different political parties. It is true that these three parties are all opposing the party in power, but it is equally true that they are opposing one another as shown by the fact that they have their own candidates in the coming election.

Respondents allege that "while it is true that the Popular Front Party (Sumulong), the Popular Front Party (Abad Santos) and the Ganap Party officially nominated the petitioner as their respective candidate for representative in the first legislative district of Bulacan, it does not appear of record that the said three parties had a common understanding on the matter, or that they agreed to nominate the petitioner as their common candidate for said office. Upon this point, the record discloses that in a letter addressed to the Commission on Elections, dated October 3, 1941, the Ganap Party stated that petitioner is the candidate of that party because in his declaration of affiliation he stated that "henceforth I disown affiliation with any party and will obey and support no party other than the Ganap." On the other hand, the record also discloses, that the rules of the Popular Front (Abad Santos) expressly provide that "no candidate under the banner of the Popular Front shall be allowed to utilize in the campaigns for his candidacy the name of any political party other than that of the Popular Front (Abad Santos)." It is pertinent to state here that the Commission on Elections found as a fact, after hearing the parties, that the Popular Front (Sumulong) and the Popular Front (Abad Santos) "pursue and sustain political theories diametrically opposed to each other." Under these circumstances, we are not prepared to say that the Commission on Elections acted improperly in issuing the order in controversy.

It results that the petition must be denied, with costs against the petitioner. So ordered.

Diaz, Moran, Horrilleno, and Ozaeta, JJ., concur.

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